

hostilities or into such situations and stating that it is intended to constitute specific statutory authorization within the meaning of this chapter.

**(b) Joint headquarters operations of high-level military commands**

Nothing in this chapter shall be construed to require any further specific statutory authorization to permit members of United States Armed Forces to participate jointly with members of the armed forces of one or more foreign countries in the headquarters operations of high-level military commands which were established prior to November 7, 1973, and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date.

**(c) Introduction of United States Armed Forces**

For purposes of this chapter, the term “introduction of United States Armed Forces” includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities.

**(d) Constitutional authorities or existing treaties unaffected; construction against grant of Presidential authority respecting use of United States Armed Forces**

Nothing in this chapter—

(1) is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties; or

(2) shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this chapter.

(Pub. L. 93-148, § 8, Nov. 7, 1973, 87 Stat. 558.)

**§ 1548. Separability**

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to any other person or circumstance shall not be affected thereby.

(Pub. L. 93-148, § 9, Nov. 7, 1973, 87 Stat. 559.)

**CHAPTER 34—NATIONAL EMERGENCIES**

**SUBCHAPTER I—TERMINATING EXISTING DECLARED EMERGENCIES**

Sec.

1601. Termination of existing declared emergencies.

**SUBCHAPTER II—DECLARATIONS OF FUTURE NATIONAL EMERGENCIES**

1621. Declaration of national emergency by President; publication in Federal Register; effect on other laws; superseding legislation.
1622. National emergencies.
- (a) Termination methods.
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- (c) Joint resolution; referral to Congressional committees; conference committee in event of disagreement; filing of report; termination procedure deemed part of rules of House and Senate.
- (d) Automatic termination of national emergency; continuation notice from President to Congress; publication in Federal Register.

**SUBCHAPTER III—EXERCISE OF EMERGENCY POWERS AND AUTHORITIES**

1631. Declaration of national emergency by Executive order; authority; publication in Federal Register; transmittal to Congress.

**SUBCHAPTER IV—ACCOUNTABILITY AND REPORTING REQUIREMENTS OF PRESIDENT**

1641. Accountability and reporting requirements of President.
- (a) Maintenance of file and index of Presidential orders, rules and regulations during national emergency.
  - (b) Presidential orders, rules and regulations; transmittal to Congress.
  - (c) Expenditures during national emergency; Presidential reports to Congress.

**SUBCHAPTER V—APPLICATION TO POWERS AND AUTHORITIES OF OTHER PROVISIONS OF LAW AND ACTIONS TAKEN THEREUNDER**

1651. Other laws, powers and authorities conferred thereby, and actions taken thereunder; Congressional studies.

**CHAPTER REFERRED TO IN OTHER SECTIONS**

This chapter is referred to in section 1706 of this title; title 10 sections 2350j, 2662, 2808; title 30 section 185; title 33 section 2293.

**SUBCHAPTER I—TERMINATING EXISTING DECLARED EMERGENCIES**

**§ 1601. Termination of existing declared emergencies**

(a) All powers and authorities possessed by the President, any other officer or employee of the Federal Government, or any executive agency, as defined in section 105 of title 5, as a result of the existence of any declaration of national emergency in effect on September 14, 1976, are terminated two years from September 14, 1976. Such termination shall not affect—

- (1) any action taken or proceeding pending not finally concluded or determined on such date;
- (2) any action or proceeding based on any act committed prior to such date; or
- (3) any rights or duties that matured or penalties that were incurred prior to such date.

(b) For the purpose of this section, the words “any national emergency in effect” means a general declaration of emergency made by the President.

(Pub. L. 94-412, title I, § 101, Sept. 14, 1976, 90 Stat. 1255.)

**SHORT TITLE**

Section 1 of Pub. L. 94-412 provided: “That this Act [enacting this chapter, amending section 1481 of Title 8, Aliens and Nationality, and section 2667 of Title 10, Armed Forces, repealing section 249 of Title 12, Banks

and Banking, section 831d of Title 16, Conservation, section 1383 of Title 18, Crimes and Criminal Procedure, section 211b of Title 42, The Public Health and Welfare, and section 1742 of the Appendix to this title, and enacting provisions set out below] may be cited as the ‘National Emergencies Act’.”

#### SAVINGS PROVISION

Section 501(h) of Pub. L. 94-412 provided that: “This section [amending section 1481 of Title 8, Aliens and Nationality and section 2667 of Title 10, Armed Forces, and repealing section 249 of Title 12, Banks and Banking, section 831d of Title 16, Conservation, section 1383 of Title 18, Crimes and Criminal Procedure, and section 211b of Title 42, The Public Health and Welfare] shall not affect—

- “(1) any action taken or proceeding pending not finally concluded or determined at the time of repeal;
- “(2) any action or proceeding based on any act committed prior to repeal; or
- “(3) any rights or duties that matured or penalties that were incurred prior to repeal.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1706 of this title.

### SUBCHAPTER II—DECLARATIONS OF FUTURE NATIONAL EMERGENCIES

#### SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1706 of this title; title 10 sections 123, 527, 12006; title 42 section 8374.

#### **§ 1621. Declaration of national emergency by President; publication in Federal Register; effect on other laws; superseding legislation**

(a) With respect to Acts of Congress authorizing the exercise, during the period of a national emergency, of any special or extraordinary power, the President is authorized to declare such national emergency. Such proclamation shall immediately be transmitted to the Congress and published in the Federal Register.

(b) Any provisions of law conferring powers and authorities to be exercised during a national emergency shall be effective and remain in effect (1) only when the President (in accordance with subsection (a) of this section), specifically declares a national emergency, and (2) only in accordance with this chapter. No law enacted after September 14, 1976, shall supersede this subchapter unless it does so in specific terms, referring to this subchapter, and declaring that the new law supersedes the provisions of this subchapter.

(Pub. L. 94-412, title II, §201, Sept. 14, 1976, 90 Stat. 1255.)

#### PROC. NO. 7463. DECLARATION OF NATIONAL EMERGENCY BY REASON OF CERTAIN TERRORIST ATTACKS

Proc. No. 7463, Sept. 14, 2001, 66 F.R. 48199, provided: A national emergency exists by reason of the terrorist attacks at the World Trade Center, New York, New York, and the Pentagon, and the continuing and immediate threat of further attacks on the United States.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me as President by the Constitution and the laws of the United States, I hereby declare that the national emergency has existed since September 11, 2001, and, pursuant to the National Emergencies Act (50 U.S.C. 1601 *et seq.*), I intend to utilize the following statutes: sections 123, 123a, 527, 2201(c), 12006, and 12302 of title 10, United States Code, and sections 331, 359, and 367 of title 14, United States Code.

This proclamation immediately shall be published in the Federal Register or disseminated through the Emergency Federal Register, and transmitted to the Congress.

This proclamation is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of September, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-sixth.

GEORGE W. BUSH.

#### **§ 1622. National emergencies**

##### **(a) Termination methods**

Any national emergency declared by the President in accordance with this subchapter shall terminate if—

- (1) there is enacted into law a joint resolution terminating the emergency; or
- (2) the President issues a proclamation terminating the emergency.

Any national emergency declared by the President shall be terminated on the date specified in any joint resolution referred to in clause (1) or on the date specified in a proclamation by the President terminating the emergency as provided in clause (2) of this subsection, whichever date is earlier, and any powers or authorities exercised by reason of said emergency shall cease to be exercised after such specified date, except that such termination shall not affect—

- (A) any action taken or proceeding pending not finally concluded or determined on such date;
- (B) any action or proceeding based on any act committed prior to such date; or
- (C) any rights or duties that matured or penalties that were incurred prior to such date.

##### **(b) Termination review of national emergencies by Congress**

Not later than six months after a national emergency is declared, and not later than the end of each six-month period thereafter that such emergency continues, each House of Congress shall meet to consider a vote on a joint resolution to determine whether that emergency shall be terminated.

##### **(c) Joint resolution; referral to Congressional committees; conference committee in event of disagreement; filing of report; termination procedure deemed part of rules of House and Senate**

(1) A joint resolution to terminate a national emergency declared by the President shall be referred to the appropriate committee of the House of Representatives or the Senate, as the case may be. One such joint resolution shall be reported out by such committee together with its recommendations within fifteen calendar days after the day on which such resolution is referred to such committee, unless such House shall otherwise determine by the yeas and nays.

(2) Any joint resolution so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted

on within three calendar days after the day on which such resolution is reported, unless such House shall otherwise determine by yeas and nays.

(3) Such a joint resolution passed by one House shall be referred to the appropriate committee of the other House and shall be reported out by such committee together with its recommendations within fifteen calendar days after the day on which such resolution is referred to such committee and shall thereupon become the pending business of such House and shall be voted upon within three calendar days after the day on which such resolution is reported, unless such House shall otherwise determine by yeas and nays.

(4) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such joint resolution within six calendar days after the day on which managers on the part of the Senate and the House have been appointed. Notwithstanding any rule in either House concerning the printing of conference reports or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than six calendar days after the conference report is filed in the House in which such report is filed first. In the event the conferees are unable to agree within forty-eight hours, they shall report back to their respective Houses in disagreement.

(5) Paragraphs (1)–(4) of this subsection, subsection (b) of this section, and section 1651(b) of this title are enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by this subsection; and they supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

**(d) Automatic termination of national emergency; continuation notice from President to Congress; publication in Federal Register**

Any national emergency declared by the President in accordance with this subchapter, and not otherwise previously terminated, shall terminate on the anniversary of the declaration of that emergency if, within the ninety-day period prior to each anniversary date, the President does not publish in the Federal Register and transmit to the Congress a notice stating that such emergency is to continue in effect after such anniversary.

(Pub. L. 94-412, title II, §202, Sept. 14, 1976, 90 Stat. 1255; Pub. L. 99-93, title VIII, §801, Aug. 16, 1985, 99 Stat. 448.)

## AMENDMENTS

1985—Subsecs. (a) to (c). Pub. L. 99-93 substituted “there is enacted into law a joint resolution terminating the emergency” for “Congress terminates the emergency by concurrent resolution” in par. (1) of subsec. (a), and substituted “joint resolution” for “concurrent resolution” wherever appearing in second sentence of subsec. (a), subsec. (b), and pars. (1) to (4) of subsec. (c).

### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1706 of this title.

## SUBCHAPTER III—EXERCISE OF EMERGENCY POWERS AND AUTHORITIES

### § 1631. Declaration of national emergency by Executive order; authority; publication in Federal Register; transmittal to Congress

When the President declares a national emergency, no powers or authorities made available by statute for use in the event of an emergency shall be exercised unless and until the President specifies the provisions of law under which he proposes that he, or other officers will act. Such specification may be made either in the declaration of a national emergency, or by one or more contemporaneous or subsequent Executive orders published in the Federal Register and transmitted to the Congress.

(Pub. L. 94-412, title III, §301, Sept. 14, 1976, 90 Stat. 1257.)

### RELEASE OF AMERICAN HOSTAGES IN IRAN

For provisions relating to the release of the American hostages in Iran, see Ex. Ord. Nos. 12276 to 12285, Jan. 19, 1981, 46 F.R. 7913 to 7932, set out under section 1701 of this title.

## SUBCHAPTER IV—ACCOUNTABILITY AND REPORTING REQUIREMENTS OF PRESIDENT

### SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1703 of this title.

### § 1641. Accountability and reporting requirements of President

#### (a) Maintenance of file and index of Presidential orders, rules and regulations during national emergency

When the President declares a national emergency, or Congress declares war, the President shall be responsible for maintaining a file and index of all significant orders of the President, including Executive orders and proclamations, and each Executive agency shall maintain a file and index of all rules and regulations, issued during such emergency or war issued pursuant to such declarations.

#### (b) Presidential orders, rules and regulations; transmittal to Congress

All such significant orders of the President, including Executive orders, and such rules and regulations shall be transmitted to the Congress promptly under means to assure confidentiality where appropriate.

#### (c) Expenditures during national emergency; Presidential reports to Congress

When the President declares a national emergency or Congress declares war, the President

shall transmit to Congress, within ninety days after the end of each six-month period after such declaration, a report on the total expenditures incurred by the United States Government during such six-month period which are directly attributable to the exercise of powers and authorities conferred by such declaration. Not later than ninety days after the termination of each such emergency or war, the President shall transmit a final report on all such expenditures. (Pub. L. 94-412, title IV, § 401, Sept. 14, 1976, 90 Stat. 1257.)

#### SUBCHAPTER V—APPLICATION TO POWERS AND AUTHORITIES OF OTHER PROVISIONS OF LAW AND ACTIONS TAKEN THEREUNDER

##### § 1651. Other laws, powers and authorities conferred thereby, and actions taken thereunder; Congressional studies

(a) The provisions of this chapter shall not apply to the following provisions of law, the powers and authorities conferred thereby, and actions taken thereunder:

- (1) Repealed. Pub. L. 95-223, title I, § 101(d), Dec. 28, 1977, 91 Stat. 1625.
- (2) Act of April 28, 1942 (40 U.S.C. 278b);<sup>1</sup>
- (3) Act of June 30, 1949 (41 U.S.C. 252);
- (4) Section 3727(a)–(e)(1) of title 31;
- (5) Section 3737 of the Revised Statutes, as amended (41 U.S.C. 15);
- (6) Public Law 85-804 (Act of Aug. 28, 1958, 72 Stat. 972; 50 U.S.C. 1431 et seq.);
- (7) Section 2304(a)(1)<sup>1</sup> of title 10;<sup>2</sup>

(b) Each committee of the House of Representatives and the Senate having jurisdiction with respect to any provision of law referred to in subsection (a) of this section shall make a complete study and investigation concerning that provision of law and make a report, including any recommendations and proposed revisions such committee may have, to its respective House of Congress within two hundred and seventy days after September 14, 1976.

(Pub. L. 94-412, title V, § 502, Sept. 14, 1976, 90 Stat. 1258; Pub. L. 95-223, title I, § 101(d), Dec. 28, 1977, 91 Stat. 1625; Pub. L. 96-513, title V, § 507(b), Dec. 12, 1980, 94 Stat. 2919; Pub. L. 105-362, title IX, § 901(r)(2), Nov. 10, 1998, 112 Stat. 3291.)

#### REFERENCES IN TEXT

Act of April 28, 1942, referred to in subsec. (a)(2), is act Apr. 28, 1942, ch. 249, 56 Stat. 247, which was classified to section 278b of Title 40, Public Buildings, Property, and Works, and was omitted from the Code.

Act of June 30, 1949 (41 U.S.C. 252), referred to in subsec. (a)(3), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40 and Tables.

Section 2304(a)(1) of title 10, referred to in subsec. (a)(7), originally authorized purchases or contracts without formal advertising when necessary in the public interest during a national emergency declared by Congress or the President, and as amended generally by Pub. L. 98-369 now sets forth the competition requirements for procurement of property or services.

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. The semicolon probably should be a period.

#### CODIFICATION

In subsec. (a)(4), “Section 3727(a)–(e)(1) of title 31” substituted for “Section 3477 of the Revised Statutes, as amended (31 U.S.C. 203)” on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

#### AMENDMENTS

1998—Subsec. (a)(6). Pub. L. 105-362 substituted “1431 et seq.” for “1431-1435”.

1980—Subsec. (a)(8). Pub. L. 96-513 struck out par. (8) which made reference to sections 3313, 6386(c), and 8313 of title 10.

1977—Subsec. (a)(1). Pub. L. 95-223 struck out par. (1) which read as follows: “Section 5(b) of the Act of October 6, 1917, as amended (12 U.S.C. 95a; 50 U.S.C. App. 5(b))”.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1622 of this title.

### CHAPTER 35—INTERNATIONAL EMERGENCY ECONOMIC POWERS

- |               |                                                                                                                                                                                                                                                                                                              |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sec.<br>1701. | Unusual and extraordinary threat; declaration of national emergency; exercise of Presidential authorities.                                                                                                                                                                                                   |
| 1702.         | Presidential authorities.<br>(a) In general.<br>(b) Exceptions to grant of authority.<br>(c) Classified information.                                                                                                                                                                                         |
| 1703.         | Consultation and reports.<br>(a) Consultation with Congress.<br>(b) Report to Congress upon exercise of Presidential authorities.<br>(c) Periodic follow-up reports.<br>(d) Supplemental requirements.                                                                                                       |
| 1704.         | Authority to issue regulations.                                                                                                                                                                                                                                                                              |
| 1705.         | Penalties.                                                                                                                                                                                                                                                                                                   |
| 1706.         | Savings provisions.<br>(a) Termination of national emergencies pursuant to National Emergencies Act.<br>(b) Congressional termination of national emergencies by concurrent resolution.<br>(c) Supplemental savings provisions; superseding of inconsistent provisions.<br>(d) Periodic reports to Congress. |
| 1707.         | Multinational economic embargoes against governments in armed conflict with the United States.<br>(a) Policy on the establishment of embargoes.<br>(b) Reports to Congress.                                                                                                                                  |

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 2332 of this title; sections 2170, 2405, 2410 of the Appendix to this title; title 12 sections 3409, 3413, 4407; title 18 section 983; title 19 sections 1675, 2581; title 21 section 1901; title 22 section 6004; title 26 section 911; title 30 section 185.

##### § 1701. Unusual and extraordinary threat; declaration of national emergency; exercise of Presidential authorities

(a) Any authority granted to the President by section 1702 of this title may be exercised to deal with any unusual and extraordinary threat, which has its source in whole or substantial part